



Commission on Peace Officer Standards and Training

860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
<https://post.ca.gov/>

Date: May 5, 2023

Bulletin: No. 2023-20

Subject: **Notice of Proposed Regulatory Action** – Amend Commission Regulation 1201 –
Definitions Related to Peace Officer Certification

At the March 22, 2023 meeting, the Commission on Peace Officer Standards and Training (POST) approved the proposed amendment to Commission Regulation 1201.

The proposed change involves an amendment to the existing text of Commission Regulation 1201 to provide additional definitions related to peace officer certification.

The attached notice includes the proposed changes, an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the [POST Website](#).

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Questions regarding this proposed regulatory action may be directed to [Michelle Weiler](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at [\(916\) 227-4870](#). General questions regarding the regulatory process may be directed to [Katie Strickland](#) at [\(916\) 227-2802](#).

MANUEL ALVAREZ, JR.
Executive Director

MA:mw
Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Amend Commission Regulation 1201
Definitions Related to Peace Officer Certification

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11, of the California Code of Regulations, as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or their duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by June 19, 2023.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-2801, by email to [Michelle Weiler](#), or by letter to:

Commission on POST
Attention: Michelle Weiler
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC section 13506 (POST authority to adopt regulations), and PC section 13510 (Senate Bill 2). This proposal is intended to interpret, implement, and make specific PC section 13503(e), which authorizes POST to establish a certification program for peace officers in the state of California.

Informative Digest/Policy Statement Overview

On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2. SB 2 made significant changes to existing Government and Penal Codes, respectively. These changes provide for additional peace officer hiring eligibility requirements. SB 2 also grants POST the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine serious misconduct occurred. While the peace officer eligibility hiring requirements went into effect on January 1, 2022, the remaining changes to Government and Penal Codes went into effect on January 1, 2023.

This rulemaking action clarifies and makes specific the definition of terms related to peace officer certification.

The regulatory amendment proposed in this rulemaking action will provide additional clarity by providing definitions for additional terms related to peace officer certification: "Active," "division," "Immediate Temporary Suspension," "Inactive," and "Ineligible."

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will provide clarity by providing definitions for additional terms related to peace officer certification. This will increase the efficiency of the state of California in delivering services to stakeholders. Thus, law enforcement standards are maintained and effective in preserving public health, safety,

NOTICE OF PROPOSED REGULATORY ACTION
Amend Commission Regulation 1201
Definitions Related to Peace Officer Certification

and welfare in the state. The proposed amendments will have no impact on worker safety or the state's environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that this is the only regulation that concerns processes and procedures for general qualifications to be an instructor in peace officer training in the state.

Forms Incorporated by Reference

There are no forms to be incorporated by reference.

Disclosures Regarding the Proposed Action

POST has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Costs to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.

Other non-discretionary costs or savings imposed on local agencies: None.

Costs or savings in federal funding to the state: None.

Cost impacts on a representative private persons or business: POST is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small business because the regulations only affect state agencies that are adopting, amending, or repealing regulations. Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

Results of Economic Impact Analysis/Assessment

NOTICE OF PROPOSED REGULATORY ACTION
Amend Commission Regulation 1201
Definitions Related to Peace Officer Certification

POST concludes that it is (1) unlikely the proposal will create or eliminate jobs in the state of California, (2) unlikely that the proposal will create or eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by providing clarity by providing definitions for additional terms related to peace officer certification. Thus, law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

Consideration of Alternatives

In accordance with Government Code section 11346.5, subdivision (a)(13), POST must determine that no reasonable alternative it considered, or that has otherwise identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

Contact Persons

Questions regarding this proposed regulatory action may be directed to [Michelle Weiler](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at [\(916\) 227-4870](#). General questions regarding the regulatory process may be directed to [Katie Strickland](#) at [\(916\) 227-2802](#).

Text of Proposal

Individuals may request copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to, the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the [POST Website](#).

Adoption of Proposed Regulations/Availability of Changed or Modified Text

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official

NOTICE OF PROPOSED REGULATORY ACTION
Amend Commission Regulation 1201
Definitions Related to Peace Officer Certification

designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.